

...oblige the Troops that are now at Fort Cumberland, to ...

...Lest this Message should fail of having the desired Effect, I thought it my Duty to send the Earl of Loudoun immediate Advice of what had passed, to include his Lordship the original Address, which the Lower House had presented to me the 19th of that Month, and to tell him that unless a Supply of Provisions was sent to Fort Cumberland, without Delay, the Garrison would be greatly distressed, and obliged, perhaps, in a short Time, to abandon the Place for want of Food; and I desired his Lordship to give such provisional Orders as he should think proper, for the Preservation of that Fort, in Case the Lower House should come to such a final Resolution as their Address seemed to promise. The Earl of Loudoun being then at Albany, my Letter did not reach him before the 2d of November: The next Day he was pleased to return the following Answer:

"Sir, Last Night I had the Favour of yours of the 21st, with an Account of the Proceedings of your Assembly, and a Copy of their Address to you: I must own the Resolution your Assembly endeavoured to lay on the Troops raised by your Province last Spring, surprised me, as it interfered with the King's undoubted Prerogative of Commanding all his Subjects in Arms, either by himself, or those he appoints under him. However the Troops were wise enough to obey his Majesty's Orders, given them by those who alone had Power to give them, and I was in Hope the Gentlemen that compose the Assembly had reconsidered their Address, and seen the Error of it; but your Letter, and their Address, have shown me that I was mistaken, and yet I cannot help having that Charity for my Fellow-Subjects to believe that this Address has not appeared to them in its true Light; for I cannot think that the Assembly of Maryland ever intended to invade the King's undoubted Prerogative, nor can I possibly believe that they intend to throw the Frontier Garrisons of his Majesty's Dominions into the Enemies Hands, particularly when these Garrisons are in their own Province, and so essential to their own Protection, and yet this Measure is big with all these Consequences, both from its own Nature, and from the Season in which it is taken, the Account of it arriving to me late on the 2d of November, in the Back Country of the Province of New-York, by which Measures they not only refuse their Aid to the Common Cause, and desert the Interest and Security of their own Province, but by the Season they have taken this Resolution in, put it out of the Power of the King's Servants to remedy the End that the Execution of such a Measure cannot miss to have. From this Light of Things, which is the true one, I cannot doubt but your Assembly will immediately take such Resolutions as shall enable you to provide effectually for the Security of that important Post at Fort Cumberland, so as to prevent its being abandoned, and put into the Enemy's Possession, which would be the Effect of such a Resolution. I must further remind you of the uninterrupted Orders that have been communicated to all the Governments in North-America, from his Majesty's Secretaries of State, from the Year 1754 to this Time, to be aiding and assisting to his Commander in Chief in North-America, in supplying Troops, &c. and in consequence of his Majesty's Commands to me of applying to the different Provinces for such Aid as I see necessary for the Common Cause, I do demand from the Province of Maryland, that the 500 Men, furnished for the Common Cause, and employed by me this last Summer in the Defence of their Garrisons on their Frontiers, be continued in the Service this Winter, as absolutely necessary for the Defence of their own Province, and the Defence of his Majesty's Dominions. As to their disposing of the Troops in the Winter, I have the King's Commission to command all Men that are or shall be in Arms in North-America, I am on the Spot, and whilst the King does me the Honour to continue that Commission to me, I will execute it, and if any Officer or Soldier presumes to disobey my Orders, I will treat him as the Law directs. If my Business can possibly permit me, I will come immediately to Annapolis, where I do not doubt but you and I will be able to set Things in such a Light, as will be perfectly satisfactory to the Gentlemen of your Assembly, and to every other Man that has the Safety and Prosperity of Maryland at Heart, and indeed of every Man that has at Heart the Prosperity and Safety of his Majesty's Subjects and Dominions in North-America. As the Business I am engaged in may put it out of my Power to make this Journey so soon as I could wish, I must beg that you will take every Measure to bring your Assembly to a right Understanding of this so essential a Point, both for themselves and his Majesty's Dominions in North-America, and that you will, from Time to Time, acquaint me by Express of what Resolutions are taken in this Affair."

This Letter of his Lordship's I communicated to the Lower House the 18th of November, but they paid so little Regard to it, that in the Supply Bill which they a few Days afterwards offered to the Upper House, it was expressly provided and directed, that the Troops then in the Pay of the Province should be forthwith reduced to 300 Men, and the Service of those 300 (not a Part of them only) was restrained, as the printed Bill will evince, in such a Manner as to compel them to abandon the Post where his Lordship had stationed some of them, and in such a Manner as to deprive all the King's Officers of any Command over them. The

Gentlemen of the Upper House having returned this Bill with a Negative, those who had framed it, desired me to transmit a Copy thereof to his Lordship, together with an Address, in order that he might be the better able to judge of their Proceedings, and Zeal to promote his Majesty's Service. On the Receipt of this Bill and Address, his Lordship wrote the Letter, which is quoted in your Address as an Evidence of his having conceived a good Opinion of the Zeal of that Lower House of Assembly to promote the Service of his Royal Master: How far the Letter will support what you suggest, let the Unprejudiced determine: I shall only repeat it:

"New-York, December 30, 1757.  
"I had this Day the Favour of your Letter by Express, with the Bill prepared by the Lower House, and the Address, from both Houses to you. As I had seen an Extract of the military Part of that Bill before, I am ready to give my Sentiments on it; and am clearly of Opinion, that had it passed into a Law of the Province, it would have been a direct Infringement of the King's undoubted Prerogative, and as such was very wisely rejected by the Upper House; at the same Time I am willing to believe, that the Assembly had not considered it in that Light, or they would never have framed it in that Manner, nor had they considered that Right of the King of commanding his Subjects in Arms, which is a Right undisputed every where, or they would never have disputed the Power of his Commission, to have marched the Troops, raised by them for the Defence of his Dominions, even out of your Province, which I do not understand I have done with Regard to them, which was to Fort Cumberland, from the best Accounts I have been able to procure; but that does not come to be the Question; for if they will consider what has happened in almost all the other Provinces, they will find, they are single in the Opinion of the King's Power of Marching the Provincial Troops into other Provinces. At the Meeting at Philadelphia it was settled last Spring, that South-Carolina was in Danger of a more powerful Invasion from the Enemy than they were able alone to resist, therefore it was agreed, that it was necessary they should have an additional Force sent to their Assistance, composed partly of Regular Troops, and partly of Troops raised by the other Provinces, and 200 Men did accordingly sail from Virginia, and are now with them; and the Troops from North-Carolina were in Readiness to go, but were prevented by Letters from the Commanding Officer there, on the Arrival of a Regiment of 1000 Men from Europe, so that they did not then stand in Need of them; there is an Instance in Point in the very next Province, who were likewise to have made up their Quota of Troops to 400 Men, if they were found necessary, for that Service in South-Carolina. But further to illustrate this Point, let them reflect, that the Provincial Troops in the more Northern Provinces, that is, those of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, and the Jerseys, have for 3 Years last past been serving in the Province of New-York: There was an Attempt about 18 Months ago to have restrained Part of those Troops within certain Bounds, to serve particular Purposes, although they never thought of carrying that Point so far as to restrain them within their own Province, and the Moment that Intention appeared, the Ministry immediately interposed, and no such Measures have been attempted since. Although the Prerogative is undisputed every where, I have thought it necessary to mention these few Instances in their Neighbourhood, to show them the Singularity both of their Opinion and Proceedings; the Consequence of which I foresaw, and mentioned in a former Letter, and warned them of in the Letter I had the Honour to write you of the Effects of such a Measure would have, not only to throw open the Frontiers of their own Province, but to open a Door to the Enemy in the very Heart of his Majesty's Dominions in North-America: As this is the fair State of the Affair, I cannot doubt that those Gentlemen, on considering coolly on the Affair, will, from their Care for the Preservation of the Lives and Properties of their Fellow-Subjects, from their Zeal for the Common Cause of all North-America, and their Duty to the King, propose such an Act as is not only agreeable to the Instructions, but agreeable to our happy Constitution of Government in the British Dominions, without attempting to make Alterations in it, at a Time when the Enemy are taking every Advantage that can be drawn from any little Jars that may happen in any of the Provinces of his Majesty's extensive Dominions on this Continent, which are therefore Things every Man, who is a real Lover of his Country, will to the utmost avoid. As to the Dispute of what Province Fort Cumberland belongs to, 'tis a Thing I never heard disputed, but by all Men I have met with, was deemed to be in Maryland; but be that as it will, 'tis of no Consequence, nor has it any Thing to do in this Affair, nor had I the least Intention of loading Maryland, or casting any other Province, by sending the Provincial Troops of Maryland to it; and in my Orders at that Time, I shewed the greatest Attention to Maryland, in employing the Whole of the Troops raised by them in covering their Frontiers, and securing the Inlets into their Country, when I actually sent 200 of the Provincials of Virginia by Sea, at the Expense of that Province, to South-Carolina, and had 200 more of the Virginia Provincial Troops ready to be carried there if that Service had not been provided for by the Arrival of a Regiment of One Thousand Men from Europe. I have shewed you above, that the King has the undisputed Right, that he has by his Commission put the Execution of it into my Hands, that Maryland alone have disputed the King's Right of Commanding his Subjects in Arms, altho' his Majesty's Servant in the Execution of that Trust, has had a particular Regard to the Ease and Security of the Province of Maryland. When I know Things really to stand on this Footing, and can have no Doubt that the Gentlemen that compose the Assembly of Maryland, mean, not only to protect the Province of Maryland, but to give every Aid to the Common Cause in their Power, I can have no Doubt that on a cool Reflection of the general Situation of the Affairs of this

Country, the Duty they owe to the King and the Community (whatever Representations may have led them in to the present Bill) they will immediately set those Things on a true Constitutional Footing, and enter heartily into the Common Cause, for the Security of Maryland, and to give their utmost Assistance against the common Enemy. I intended when I writ from Albany to have come directly to Annapolis, but some unexpected Business put it out of my Power at that Time, and now I cannot fix the Time I shall be with you. Hoping from your wise Management, and the People coming to see their own true Interest, that I shall very soon have better Accounts from you: I am, with sincere Regard, Sir, Your most obedient humble Servant,  
"LOUDOUN."

Does it, Gentlemen, or does it not, appear from this Letter, that the Earl of Loudoun applauded the Conduct of the Upper House in rejecting the Bill, of which, at the Desire of the Lower House, I had sent him a Copy? If it does, I intimated no more nor less than the Truth, whatever Part of the Bill it was that induced his Lordship to commend them for returning it with a Negative. At the Time I sent him the Bill, I did not imagine he would Read any more of it than the military Part, as I told the Gentlemen of the Lower House in a Message dated the 6th of December, when they desired me to transmit the Bill to him; and from the Manner in which his Lordship expresses himself in the Beginning of his Letter, I am apt to believe he never thought of perusing more of it than that Part, nor do I see what good End it would have answered for him to have waded thro' that voluminous Composition; for tho' you are now pleased to signify to me, that the then Lower House expected his Lordship would peruse it, in order to see if there was any Thing impracticable in the Execution of the Plan for raising the Aids for the King, therein proposed, or unjust or unreasonable in the Means, or too sparing in the Sum offered, and that he would have signified his Opinion relative to such Matters, I am far from thinking that House would have thought his Lordship a competent Judge of the Propriety or Impropriety of all those Parts of the Bill, or if he had ventured to give his Opinion thereon, that they would have paid any Regard to it, when they afterwards disregarded that of his Majesty's Attorney-General, who had seen what had been urged by the Two Houses both for and against it; and I cannot help thinking you are too hasty in drawing from his Lordship's Silence, this Conclusion, That he did not think the Bill in any of these Respects liable to the least Objection: Could he indeed have then seen all that afterwards passed between the Two Houses thereupon, or on a Bill very similar to it, his Lordship might perhaps have been able to form some Judgment of the Propriety or Impropriety of the general Plan, and particular Parts of it; but it would surely have been a little unreasonable for the Lower House to expect his Lordship, without hearing or seeing what could be offered on both Sides, would undertake to determine concerning any besides the military Part of it, of which his Lordship probably thought himself as capable of judging, as the Gentlemen who had framed it.

That Opinion of Mr. Pratt's, was, I apprehend, given on a Perusal of the Bill, and Messages that in 1758 passed between the Two Houses, which, as I conceived they contained a full and true State of the Dispute between them on the Bill, I therewith transmitted; and the Opinion I communicated to the Lower House undoubtedly shews that he was intimately acquainted with the several Points in Dispute between them; and being all that I received from England in Return, if I declined giving that House any Satisfaction they wanted, it was owing to my not having it in my Power to gratify their Wishes. I am indeed sensible, that the Opinions of Counsel are governed by the Manner in which the Facts they are founded on, are stated, and I perceive there is some Difference between those of the late Lord Chief Justice Willer, and his Majesty's late Attorney-General, with respect to the Nomination of Officers; but as the Lords of Trade, in their Report Two Years ago on some Laws passed in Pennsylvania, which Report met with the Concurrence of his Majesty's Council, have repeatedly declared their Sentiments concerning the Right of the Crown, and in that Government of the Proprietors to the Nomination of Officers, I am in Hopes that their Lordships Opinion will always have it's Weight with us, and that Right of the Proprietary be never again controverted in this Province.

As you were pleased, in Answer to my Speech at the Opening of the Session, wherein I avoided making any particular Application to the Lower House of the Reprehension contained in the Secretary of State's Letter, to suggest that for Want of

an Agent appointed by that ... sent their Transactions in a ... gracious Sovereign and his M ... fully and truly informed of t ... Offers, which the People o ... heretofore made by their Rep ... very large Supplies for his ... could not help considering the ... sfection on myself, for had no ... been informed of the several ... House for raising Supplies, a ... ings in Consequence of such ... have discharged my Duty: ... therefore from the Blame w ... your Address seemed calcula ... took the Liberty to reply to ... the Journals of the House o ... Bills offered by them to the U ... supposed to contain a true R ... Proceedings, I presumed the ... great Necessity for the Appo ... at home, under the Denomi ... to acquaint his Majesty or ... Transactions of the House o ... form them of the Offers that ... raise Supplies for his Servic ... of that House had been tran ... formation, particularly the J ... Messages that passed betwee ... the Subject of their new Supp ... in your last Address, "the g ... ing an Agent, is to repr ... final Determination any M ... the Proprietary, by which ... comprehend themselves aggrie ... tlemen, in your first Address, ... for the Lower House's desiri ... not have considered it as any ... having neglected my Duty, ... of it in the Manner I did, th ... then have seen the Expedien ... being appointed; for whate ... insinuate, and endeavour t ... believe, the Lord Proprieta ... not much concerned in the ... subsists between the House o ... a small Majority of that H ... men who constitute another ... ture, on the Subject of a S ... ther the Sums which have ... for his Majesty's Service, s ... particular Mode of Taxati ... are fond of Innovations, see ... and establishing in this P ... I am confident, is very far ... contributing in Proportion ... this Province towards Sup ... Service, though I don't f ... however zealous he might ... vereign's Service, or desiri ... putation of Maryland, to h ... Legislature give their A ... which they should be of ... Consequences, tend to subv ... sacrifice one Part of the In ... and Humour of the Ref ... tlemen, excuse the Liberty ... my Opinion of this Matte ... in me either to judge for m ... Sentiments; it would inde ... I alone, in such a Govern ... ry Subject thinks he has a ... timents on every Matter, ... Liberty of thinking and ju ... cy or Propriety of any S ... more afraid to communic ... if I was at Venice under A ... fitors. Happy in knowi ... the Commission I have t ... given me by one who v ... Encroachments on the L ... others, and conscious of ... own Intentions, I can v ... Conduct for my Justificati ... I can Read, without the l ... of your Address, which ... pointment seem to have ... any Notice of your ungr ... Ministry have done nothi ... Information I took the L ... when I intimated to him, ... plies for the King's Serv ... this Province, unless his ... to have the Dispute th ... and finally settled, Can ... pearance of Justice, lay ... or whether I am suppos ... his Majesty's Ministers ... House of Delegates, or